

scenario is unfolding now. If you will look at this editorial that the World Herald printed encouraging the Legislature to enact into law LB 835 despite an Attorney General's Opinion that it's unconstitutional, the fact that the Governor signed the bill, despite the unconstitutional opinion, or the opinion of the Attorney General that the bill is unconstitutional, we face a similar situation here today. The editorial starts that the Attorney General's Opinion gives a reason to pass that bill so that the issue which was of constitutional proportions could be resolved by the court whose duty it is to resolve such issues, and down into the editorial you'll find these words, "The additional reason provided by the Attorney General's Opinion is that the opinion raised urgent questions that could best be answered by passing the bill and subjecting it to a court test", the very same thing with our situation here today. The issues raised should be subjected to a court test and only the Supreme Court can resolve those issues. The editorial goes on, "If that is correct, attorneys for telephone companies supporting the bill said, laws exempting some other industries from the commission's control might also be unconstitutional." We might have to make a determination of whether the pension programs that the state has already put in place for employees is constitutional because the Constitution says that legislative employees can only receive their salary and expenses. Legislators can only receive expenses and salary, but the Constitution establishes minimum requirements. The Supreme Court has said, for example, when it comes to the practice of law, the Legislature can enact laws but those laws only represent minimum requirements and the State Supreme Court can add to those. The Constitution being a limit on what the Legislature can do, set a limit only in terms of our minimum. We could not allow ourselves a lesser salary than \$400 a month, but being silent on the issue of the deferred compensation which is represented by a pension program, the Constitution, I repeat again, is silent and that's why we're moving in this direction. The editorial goes on to say, "A clarification is needed", and concludes with this statement. "Passage of the partial deregulation bill is the first step toward providing an answer", meaning that the bill passed and in place has prepared the way for a court test to resolve the issues that have been raised. The same is true with reference to this situation involving the pension, and you should remember this. If the court approves of the program, it means that we have done nothing in terms of circumventing the Constitution or some of the arguments that are given with reference to that. It takes the wind out of them. Senator Hefner has said we ought to be up front. Senator